REMARKS

Claims 1 and 18 are amended to include the element recited in original claim 6. Claim 6 is canceled without prejudice. Claim 16 is amended to correct a typographical error. Claims 21-24 are new. Support for claim 21 is found at least at page 4, 5th paragraph. Support for claim 22 is found at least at page 5, 3rd paragraph. Support for claims 23-24 is found at least at page 3, last paragraph to page 4, 2nd paragraph. Applicants respectfully submit that the amendments to the claims do not add new matter. With entry of the amendment, claims 1-5 and 7-24 are pending in this application.

Drawings Objection

The Examiner requested replacement drawings (Figures 1-3). Replacement sheets are submitted herewith. Figure 2 shows Zones 3, 4 and 5 as the Examiner requested. Figure 3 includes the title in English. While there is no requirement that the numerals of drawings be typed, for efficient prosecution, Applicants have substituted typed numerals in Figures 1 and 2 where applicable, as the Examiner requested. Applicants respectfully submit that the amendments to the drawings do not introduce new matter. Withdrawal of the objections to the drawings is respectfully requested.

Claim Objection

Claim 16 was objected to for reciting "material (i) flows" rather than "material flows (i)". Claim 16 is amended according to the Examiner's suggestion. Withdrawal of the objection is respectfully requested.

Claim Rejections

Claims 1-7 10-12, 14-15 and 18-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,223,128 issued to Halek et al. ("Halek").

Claims 1, 3-5, 7, 10-12 and 14-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Application WO03046045 (English language equivalent: U.S. Patent No. 7,262,263) to Otto et al. ("Otto").

Claims 8, 9 and 13 are rejected are rejected under 35 U.S.C. § 103(a) as being unpatentable over Halek or over Otto.

Claims 16 and 17 are rejected are rejected under 35 U.S.C. § 103(a) as being unpatentable over Halek in view of Otto

Claims 2 and 6 are rejected are rejected under 35 U.S.C. § 103(a) as being unpatentable over Otto in view of Halek.

Independent Claim 1

Amended independent claim 1 is directed to a method of producing polyesters, comprising a crystallization of a polyester material, wherein the crystallization is carried out in the presence of a gas with a dew point of less than or equal to approximately -10 °C, wherein the dew point of the gas is set in dependence of the desired rise of I.V.

Claim 1 was rejected as being anticipated by Halek. Halek discloses a process for preparing polyethylene terephthalate (PET) including a first step in which PET is crystallized, and a subsequent step in which the crystallized PET is stabilized. See col. 6, lines 33-43 and col. 7, lines 4-11. Claim 1 is allowable over Halek for at least two reasons.

First, Halek merely teaches "[t]he air used in the stabilization step must be very low dew point air . . . generally lower than about -30°C." Col. 8, lines 48-50 (emphasis added). The dew point of the air used in the first crystallization step is not defined by Halek in any way. See e.g., col. 11, lines 7-12. Halek does not teach or suggest, among other things, to carry out crystallization in the presence of a gas with a dew point of (less than or equal to) ≤ approximately -10 °C, according to claim 1.

Secondly, Halek does not teach or suggest, among other things, that the dew point of the gas is set in dependence of the desired rise of I.V., according to amended claim 1. Halek merely discloses that "[w]hen air having a dew point of lower than -30°C. is used, the intrinsic viscosity of the PET may decrease rather than increase during the stabilization step . . . ." Col. 8, lines 52-56 (emphasis added). In contrast, the present specification teaches a process that uses gas with a dew point of (less than or equal to) ≤ -10°C in both crystallization stages, i.e., uses the same gas. See specification, page 4, paragraphs 1-2 and page 9, 6th paragraph. Halek does not teach or suggest that the dew point can be specifically set to a distinct value in order to obtain a desired end I.V. value. In other words, a process set-up in accordance with amended claim 1 provides

the possibility to adjust the resulting end-I.V. value *via* the process parameter dew point. Applicants discovered that such a method is economically favorable, offers high flexibility, and the possibility to use varying amounts of dried gases, i.e., gases with different dew points, with respect to the desired end-I.V. value. See, e.g., specification, page 4, 6th paragraph.

Claim 1 was also rejected as being anticipated by Otto. Claim 1 is amended to recite the element previously recited in claim 6 that that the dew point of the gas is set in dependence of the desired rise of I.V. Claim 6 was not rejected as being anticipated by Otto.

Accordingly, Halek and Otto, taken separately or combined, do not teach or suggest the subject matter of independent claim 1.

Therefore, independent claim 1 is allowable. Withdrawal of the rejections and allowance of claim 1 are respectfully requested.

Claims 2-5, 7-17 and 21-24

Claims 2-5, 7-17 and 21-24 each depend from allowable claim 1, and accordingly are allowable for at least the reasons set forth above. Claims 2-5, 7-17 and 21-24 may also be patentable for additional reasons not discussed herein. Withdrawal of the rejections and allowance of claims 2-5, 7-17 and 21-24 are respectfully requested.

Independent Claim 18

Amended claim 18 is directed to a method for the production of a polyester formed body, comprising a crystallization of a polyester material, wherein the crystallization is carried out in the presence of a gas with a dew point of (less than or equal to) $\leq$ approximately -10 °C, the dew point being set in dependence of the desired rise of I.V., and producing a polyester formed body.

Claim 18 was rejected as being anticipated by Halek and by Otto. Claim 18 is not anticipated by Halek or Otto for the same and similar reasons as set forth above for claim 1. These arguments are incorporated herein *mutatis mutandis* with respect to claim 18.

Therefore, independent claim 18 is allowable. Withdrawal of the rejections and allowance of claim 18 are respectfully requested.

Claims 19-20

Claims 19 and 20 each depend from allowable claim 18, and accordingly are allowable for at least the reasons that claim 18 is allowable. Claims 19 and 20 may also be patentable for additional reasons not discussed herein. Withdrawal of the rejections and allowance of claims 19 and 20 are respectfully requested.

CONCLUSION

In view of the foregoing, allowance of the application is respectfully requested. If a conference call would be useful in resolving issues arising from the filing of this communication, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

/lmfitzpatrick/

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